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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,405	08/03/2001	Charles A. Nicolette	GZ 210300	7264

7590 04/01/2004
DEBORAH A. DUGAN,
GENZYME CORPORATION
15 PLEASANT STREET CONNECTOR
FRAMINGHAM, MA 01701-9322

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT PAPER NUMBER

1642

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040325

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Reply to Office Action

1. The election without traverse filed March 5, 2004 is acknowledged and has been entered.

2. The reply filed on March 5, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In reply to the Office Action mailed February 5, 2004, Applicant was required under 35 USC § 121 to elect a single disclosed species of invention and failed to do so. See 37 CFR 1.111.

3. Applicant's request for clarification of the restriction and election requirement is acknowledged.

As noted on the attached Interview Summary, the Examiner telephoned Ms. Dugan on March 24, 2004 to discuss the restriction and election requirement and to provide the following clarification thereof:

At page 4 (second full paragraph), the Office action mailed February 5, 2004 states:

Applicant is required under 35 U.S.C. 121 to specifically elect at least two species of peptide ligand from the Markush group, which two specific disclosed species will be considered for prosecution on the merits and to which the claimed combinations shall be restricted if no generic claim is finally held to be allowable.

The term "at least", as it appears in the above paragraph, is given its ordinary meaning. As Applicant has suggested at page 3 of their reply, the term "at least" is ordinarily given the meaning, "at the minimum of" or "not less than". Accordingly, in reply to this communication and in further reply to the Office action mailed February 5, 2004, Applicant is required to elect a single species of invention encompassed by the claims by specifically identifying "at least two", or "not less than" two of the members of the Markush group recited in the claims, which two specific disclosed species will be

considered for prosecution on the merits and to which the claimed combinations shall be restricted if no generic claim is finally held to be allowable.

4. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler, Ph.D. can be reached on (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

slr
March 25, 2004


YVONNE EYLER, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600